



M^{RS} HODGES.

London Pub.^d March 5. 1791. by W. Holland N^o 50. Oxford S^t.

T R I A L

FOR

A D U L T E R Y,

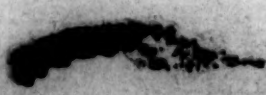
BETWEEN

ANTHONY HODGES, Esq.

AND THE

Hon. CHARLES WYNDHAM.

[PRICE TWO SHILLINGS.]



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ANTHONY HODGES, Esq.

AND THE

Hon. CHARLES WYNDHAM;

TRIED BEFORE THE

Right Hon. Lord KENYON, and a special Jury,

IN WESTMINSTER HALL,

ON THURSDAY, the 24th of February, 1791.

Taken in Short Hand by an eminent Barrister:

Embellished with a fine Likeness of Mrs. HODGES.

L O N D O N :

Published by WILLIAM HOLLAND, No. 50, Oxford Street.

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T R I A L

FOR

ADULTERY

BETWEEN

ANTHONY HODGES, Esq.

AND THE

Hon. CHARLES WYNDHAM

TRIED BEFORE THE

Hon. Mr. Justice KENT, and a Special Jury

IN WESTMINSTER HALL

ON THURSDAY, the 21st February, 1891.

Taken in Short Hand by an eminent Barrister

and published with a view to the interests of the public

L O N D O N

Printed by William H. Jones, 10, Abchurch Lane, E.C. 4.

W. H. JONES

T R I A L, &c.

COUNSEL for PLAINTIFF,

Mr. ERSKINE and Mr. MILLS;

For the DEFENDANT,

Mr. BEARCROFT & Mr. PIGOT.

MR. ERSKINE opened the plaintiff's case, as follows :

May it please your Lordship, and you, gentlemen of the jury,

I am counsel for the plaintiff, who has brought this action against the Hon. Mr. WYNDHAM, brother to the Earl of EGREMONT, for criminal conversation with his wife.

The injury done to a husband by criminal conversation with his wife, depends, as has been often stated in this court, on the circumstances that attend it. Where the defendant has become

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the seducer of a chaste, innocent and affectionate woman, I believe we are all agreed, that no damages can be too great. When that is not the case, but where, from circumstances such as I have no desire of concealing to-day, that peace and that happiness, the interruption of which is the foundation of an action for criminal conversation, has been greatly interrupted, if not nearly lost and destroyed; where, on the part of the defendant, there has been no manner of seduction; where there has not been any desire of doing, and where in fact, there has not been done any thing dishonourable to the party bringing the action, the damages in their nature, on the true principles of justice, can be but small. I think it my duty to state the circumstances; and I should dishonour myself as an advocate, if I were not to acquit this gentleman of all seduction: At the same time I am ready to confess, that there is nothing so inhuman as for a man to sacrifice to his own passions, the peace of any individual in the world. What I charge Mr. Wyndham with, is a crime of a different sort. The act is immoral, under any circumstances; but we are not here trying questions of morals, but are deciding on civil rights and civil injuries.

Gentlemen, I shall state to you the circumstances of this case:—Mr. HODGES became
some

some years ago, the husband of this lady, who is undoubtedly a very beautiful woman. Gentlemen, I am instructed to say, that there were some suspicions, I believe, very considerable suspicions, of her honour; but, as I am given to understand, Mr. Hodges at that time had no knowledge of her infidelity. But I do not mean to conceal that there was great reason to suspect it. The moment the plaintiff perceived it, his happiness was at an end. They separated, and he settled upon her an annuity; and from that time to this, they have lived separate. It was during the course of this separation, and after Mr. Hodges had ceased to live with his wife, that he had great reason to be dissatisfied with her conduct, in points where his honour was materially concerned. It was after their separation that Mr. Wyndham became acquainted with her; and therefore I do not charge him with seduction, nor expect what are called vindictive damages; but Mr. Hodges stands in this unhappy situation for a great length of time. I believe this lady has had a child—[Mr. Erskine was here interrupted by counsel on the other side, who said that Mrs. Hodges had not had a child, but was pregnant] Mr. *Erskine*.—It seems, gentlemen, she is very near the season of her delivery; that child is most undoubtedly not the child of Mr. *Hodges*: It cannot be his child—

There are difficulties by the strict rules of the laws of England, to prove it not his; although, if it were necessary, I could prove, that *he has had no access to her since the time of their separation.* I need hardly say to gentlemen of your character and situation in the world, how hard the situation of this gentleman must be, if he is to continue with this lady, who has dishonoured his bed; who is likely to bring into the world *a spurious issue; and, which child, although not the child of Mr. Hodges, will inherit his fortune.* He comes here, therefore, not in collusion with the defendant (I do not know that they are even acquainted): He comes, as he has a right to do, in order to obtain a total separation from this lady.

I shall not go through a vast deal of evidence, as many of the facts are taken for granted. Under these circumstances the great object which this unfortunate gentleman has, in bringing this action, is not to recover damages from you to any considerable extent, but for the purpose of repairing that peace which had been destroyed long before the defendant was acquainted with Mrs. Hodges. Mr. Hodges therefore cannot charge the defendant with any other act than that which intitles him as a husband, in point of law, to lay the foundation of a *separation by*
Par-

Parliament, superadded to that which has already taken place.

Gentlemen, I thought this my duty to a very honourable and respectable gentleman, who I believe the defendant is.

I shall call my witnesses, and shall endeavour to establish the adultery. The defendant I believe has lived some time with Mrs. Hodges; and I am given to understand I shall be able to call a witness who saw them in bed together. With respect to damages, after what I have said, I cannot expect them to be of any size: I do not wish them to be. After the fair, candid, and liberal manner I have opened this business on the part of Mr. Hodges, I am instructed to say, that he does not wish to press on an individual, whose conduct towards him has not been reprehensible in a high degree; at the same time, *when we come to Parliament*, I hope we shall not be told by that august assembly, that we were *kicked out of the Court of King's Bench with a shilling damages*. These are no damages at all: when a man stands up, and states a very large injury, very small damages might be apt to impress the noble persons who have the character of legislators, with ideas against us.

Gentlemen, having made these observations, I shall not trouble you more.

Mr.

Mr. BEARCROFT.

My Lord, The adultery being long *subsequent* to their *separation*, I submit to your lordship, whether the plaintiff can maintain this action.

Lord KENYON. This has occurred very forcibly to my mind; but I cannot decide it here; there are various reasons why I will not settle it here.

Mr. *Erskine*. It will not matter to us if Mr. Wyndham——

Lord *Kenyon*. I will not settle it here.

Mr. *Bearcroft*. I hardly expected it.

Lord *Kenyon*. It certainly had occurred to my mind.

EVIDENCE for the PLAINTIFF.

EDWARD HIND examined by Mr. MILLS.

Q. Mr. *Hind*, what is that paper you have got in your hand?

A. It is a copy of the register of Mr. and Mrs. Hodges' marriage.

Q. Have you examined it to see that it is correct?

A. I have.

This paper was then read by the Clerk of Nisi-Prius. From it, it appeared that Anthony Hodges was married to Sophia Aston, spinster, on the 22d of June, 1782.

CHARLES

CHARLES HOLLINGSHERE examined by Mr.
ERSKINE.

Q. Do you know Mrs. Hodges?

A. I do, Sir.

Q. Were you present at her marriage?

A. Yes, Sir.

ANN PEARCE examined by Mr. MILLS.

Q. Ann Pearce, where do you live?

A. At the Swan Inn, Newport Pagnel.

Q. Do you know Mr. Wyndham and Mrs. Hodges?

A. Yes, Sir.

Q. Do you remember seeing them at your master's house?

A. Yes, Sir.

Q. How long ago?

A. I do not know how long it is since.

Q. Have you seen them more than once?

A. Yes, Sir, I have seen them several times.

Q. I believe you are a chambermaid?

A. I am.

Q. Do you remember how many beds were ordered for Mr. Wyndham and Mrs. Hodges?

A. The first time they came to my master's house, there were two beds ordered in two different rooms.

Q. How

Q. How many beds were ordered the other times you saw them there ?

A. Only one bed.

Q. How long ago is it since they were at your master's house ?

A. I do not know.

Q. Is it a year ago ?

A. No, Sir, not half a year ago.

Q. You say they ordered one bed ; had they only one room ?

A. They had two rooms.

Q. Did these rooms open into each other ?

A. No, Sir, they did not.

Q. You say you only prepared one bed for them ?

A. Only one bed.

Lord Kenyon. Did you see the bed next morning ?

A. Yes, Sir.

Q. Had it the appearance of two persons having slept in it ? I do not ask you *what* appearance ; but had it the appearance ?

A. It had, my lord.

Cross examined by Mr. BEARCROFT.

Q. Do you know Mrs. Hodges ?

A. Yes, Sir.

Q. And you know Mr. Wyndham ?

A. Yes,

A. Yes, Sir, I do know him.

Q. You say they slept in one bed together at your master's house?

A. They did, Sir.

Q. Did you know Mrs. Hodges before?

A. Yes, Sir, I have heard of her.

Q. But I ask you, did you know her when you saw her?

A. No, Sir.

Q. Did you see her after this time?

A. Yes, Sir, she stopped at our house.

Q. How do you know that she was this Mrs. Hodges? there is a large family of that name.

A. She went by the name of Mrs. Hodges.

Mr. *Bearcroft*. Does your Lordship think this is evidence of Mrs. Hodges the plaintiff's wife?

Lord *Kenyon*. I think it is evidence—What kind of person is this lady?

A. She is low in her person.

ELIZABETH WHITE examined by Mr. *ERSKINE*.

Q. Do you know who Mrs. Hodges was before her marriage?

A. I do not.

Mr. *Bearcroft*. You state the separation to be at what time?—

The deed of separation was then given in, and read *pro forma*; it was dated 8th August, 1785.

Here ended the evidence for the plaintiff.

DEFENCE.

Mr. BEARCROFT.

May it please your Lordship and Gentlemen of the Jury!

There are two cases that puzzle a man extremely how he shall conduct himself. The one is, where he has a case that presses him so heavily that he can scarcely bear up against the weight of it. The other is, where the plaintiff's counsel proposes to cut your throat with a feather: The latter seems to be the present case. My learned friend has thought it necessary, and to be sure it was, to protest to you against any collusion between the parties; I shall enter into the same protestation; I verily believe there was none: If I thought there was, I would not stand here as counsel for the defendant. Gentlemen, these are very serious matters, and I have more than once in the course of my profession refused to appear for defendants, where there was collusion. That the plaintiff can make out a case that intitles him to more than nominal damages, his own counsel is not sanguine enough to hope. And my learned friend is an excellent goldbeater, and if he could get *five and threepence*, he would hammer so as to *cover an acre of ground*. Gentlemen, you are to understand him that he does not go for vindictive damages; I suppose he means to use a phrase which

which he has not forgotten, that this cause will go down to the list of small damages, that is to say, the list of *shilling verdicts*, which in the course of this week have been given in this court. More than one shilling, it most undoubtedly ought not to be. I do remember a very few years ago, standing in this court as counsel for a man for adulterous commerce with the wife of a right honourable baronet; right honourable not because he was a *baronet*, but a privy-counsellor. There is no great harm in mentioning the names of the parties.—One day as Lady Worsley was in the cold bath, this right *honourable* baronet was wicked enough to take a friend of his on his shoulders, and make him look through the glass, and see how fine a woman she was. The jury owing to this little accident, gave him the sum of *five shillings*. Gentlemen, a *privy-counsellor* in point of *rank*, is very high. Mr. Hodges is a gentleman, a *plain gentleman* of no *particular rank and station*; I presume therefore a *shilling* is the utmost for him.

Gentlemen, on the part of the defendant, I am instructed, that I shall be able to prove such a case, which, as I said before, really puzzles me, in point of prudence and discretion, in what course I should conduct myself. I have already made an objection, the effect of which is re-

served to me, I understand, in point of law. That question perhaps will be brought before the court; and, on motion to the court, the deed of separation will be considered as having been read in evidence—I am instructed, that I shall prove a case, which, for any thing I know, will not only reduce the damages below the shilling even to a *farthing*, but may, for any thing I know, call upon you the jury, to draw a conclusion in point of fact, which if you draw, my Lord will tell you, the plaintiff can by no means have your verdict. I mean this: If I can shew you by the conduct of the plaintiff, that he was perfectly aware that she lived in a state of adultery—adultery did I call it?—in a state of *prostitution*!—with every body that had the *shape of a gentleman*, that would address himself to her; I mean *Englishmen—Irishmen* of course—Frenchmen, Italians, Germans.—Gentlemen, to all these, this lady gave a most welcome reception—

“ ’Twas, “ Si, Signor”—’twas, “ Yaw, Mynheer”—

“ ’Twas, “ Si vous plait, Monsieur!”—

I shall certainly prove this; for I shall prove, that with the *knowledge* of Mr. Hodges, while they were resident at *Brussels*, that Mrs. Hodges for a long while lived there openly with a *Flemish banker*; no matter his name—for there are names which

which for a thousand reasons should not be mentioned on such a trial.

Gentlemen, it will be enough for you, if I can prove to you, that other persons than her husband had access to her, with the knowledge of her husband; and although I do not stand up to state to you, that there was any express consent on the part of Mr. Hodges that Mr. *Waltier* should enjoy his wife, yet, if I prove, that long previous to that time, there were others, several others, I might say many others—for I do not mean to over-state my case for the defendant—yet, Gentlemen, I shall satisfy you with regard to this, that it was perfectly well known to Mr. Hodges, (he never complained); there was that sort of silence and acquiescence which amounted to consent: This was the case of Mrs. Hodges and the Flemish banker. This was the case of another person, whose name I shall *endeavour* to conceal: The circumstances of this case I must shortly state, because they are so very striking—you ought not to give the plaintiff a verdict; because he has consented to the scandalous prostitution of his wife.

This lady had lodgings in Pall-mall; she was perfectly easy of access, and her husband was so little desirous of barring the door, that I shall prove to you, that an application was made

when

when Mr. Hodges was in bed with his wife; that he came out of that bed—opened the door, went out of the house, and permitted the gentleman, who rapped at the door, to go into the room. I shall prove to you, that the person to whom I allude, walked into the house; asked whether Mr. Hodges was at home; was told that he was, but had gone to bed. “Bed! bed!—it does not signify, I’ll go up stairs.” He accordingly went up stairs to the door, rapped at it, and thus addressed Mr. Hodges :

“ My dear Hodges—do get up; there is a
 “ debate in the House of Commons going for-
 “ ward, and I am desirous to know the result—
 “ get up, and give me an account of that debate
 “ —I’ll stay here, and do you come and give
 “ me the result of it.”

Mr. Hodges immediately put on his cloaths, and went to the House of Commons; and no doubt his friend did not remain till his return, for people can debate longer than they can — Mr. Hodges came home at his leisure. I shall prove this simple fact, which I have stated to you: I shall forbear stating some other parts of the case, respecting Mrs. Hodges’s character, which are not necessary to the cause. It is with compunction that I stand up to call this kind of evidence: I have too much of it. If I prove this, shall I not be entitled to a verdict?

Gen-

Gentlemen, if you will say when you are satisfied, I shall stop immediately, and there will be an end of the cause. It is contrary, as I conceive, to the feelings of every man, to the sense of every man, to suppose that the plaintiff shall be intitled to a verdict: If he is intitled to a verdict, he cannot be entitled to more than one shilling.

EVIDENCE for the DEFENDANT.

MARY STAUNTON examined by Mr. Pigot.

Mrs. Staunton, stand where you are, and look towards my Lord and the Jury.

Lord KENYON. I wish you would take off that veil.

Mr. Pigot. Now, Mrs. Staunton: I believe you lived with Mr. and Mrs. Hodges?

A. I did, Sir.

Q. At what time did you go to live with them?

A. In the year 1782.

Q. How long did you continue to live with them?

A. I lived with them nine years.

Lord Kenyon. Then you have lived with them to the present time?

A. No, my lord, I lived with the lady before she was married.

Lord

Lord *Kenyon*. How many years after the marriage did you live with them?

A. I lived nine years altogether—I was with them when they were married.

Mr. *Pigot*. Now, Mrs. Staunton, I believe Mr. and Mrs. Hodges went abroad at one time?

A. Yes, Sir.

Q. When was that?

A. It was in the year 1784.

Q. Where did they go to?

A. To Brussels.

Q. And from that?

A. To the German Spa.

Q. Do you recollect seeing Mr. Bouverie at the German Spa?

A. I do.

Q. Do you recollect Mr. Bouverie's visiting Mrs. Hodges at the German Spa?

A. Yes, Sir; he was then on his travels, and lodged at the same hotel.

Q. Mr. Hodges was with his wife at this time?

A. Yes, Sir.

Q. Was Mr. Bouverie frequently with Mrs. Hodges?

A. He was, Sir.

Q. Was he ever in her bed-room?

A. Yes, Sir.

Q. Was he frequently in her bed-room?

A. He was, Sir.

Q. Did

Q. Did Mr. Hodges know that?

A. He must have known it.

Q. Has Mr. Hodges seen Mr. Bouverie in her bed-room?

A. Very often.

Q. I believe Mr. Bouverie was a single gentleman at that time on his travels?

A. He was.

Q. Did Mr. and Mrs. Hodges then live together?

A. They did, and Mr. Hodges was in the bed-room when they were there.

Q. Do you know whether he left them there?

A. I cannot say whether he left them together.

Q. They had been together in the bed-room, you say, and Mr. Hodges knew it? Now in what situation was Mrs. Hodges at this time—was she dressed?

A. She was undressed—she was in her robe de chambre.

Q. Without her stays?

A. Yes, Sir.

Q. There was a bed in the room?

A. Yes, Sir.

Q. Did you ever hear Mr. Hodges find any fault with them?

A. No, never; he never found any fault with them at all.

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Q. Now,

Q. Now, after that, did they come back to Bruffels?

A. Yes, Sir.

Q. Did you know Mr. Waltier?

A. Yes, Sir.

Q. Did that gentleman ever visit Mrs. Hodges?

A. Yes, Sir.

Q. Frequently?

A. Yes, Sir.

Q. Did he ever stay there all night?

A. He did not stay all night, but he has staid very late.

Q. Till what hour?

A. Till four or five o'clock in the morning.

Q. Did Mr. Hodges know this?

A. Yes, Sir.

Q. Now, Mrs. Staunton, do you recollect Mr. Hodges seeing Mr. Bouverie in any particular situation with his wife, as kissing her hand?

A. One night I believe he did.

Q. Where was you then?

A. I was in the next room to Mrs. Hodges' bed-room.

Q. What did Mr. Hodges say?

A. He came up, and said that was too bad, he could not be blind.

Q. What was it?

A. What it was, I do not know.

Q. Did

Q. Did Mr. Hodges upon that forbid Mr. Bouverie to come any more into their lodgings?

A. No, Sir, he did not.

Q. Did Mr. Bouverie continue to come to the house as usual?

A. He was in the same house.

Q. But did he continue to come after that into Mr. and Mrs. Hodges' apartment as usual?

A. As usual.

Q. Mr. Hodges gave them no interruption?

A. None at all.

Q. After that, did he go out and leave them together?

A. He went to bed in the same room, Mr. Bouverie remaining in the room.

Q. Was he very angry, or did he go to bed in the same room?

A. Yes, Sir.

Q. Did you go into this room after this?

A. I did, and undressed Mrs. Hodges, and Mr. Bouverie at the same time in the room.

Q. I believe Mr. Waltier took a house for this lady at Brussels?

A. Yes, Sir?

Q. How long did Mr. Waltier and Mrs. Hodges live together?

A. That I cannot say.

Q. About how long? was it a year, or half a year?

A. He never lived with her; but took a house for her, and visited her.

Q. Was this before or after Mr. and Mrs. Hodges separated?

A. No: before they separated.

Q. So that you knew of Mr. Waltier's visits to your mistress before they separated?

A. Yes, Sir.

Q. Who supported Mrs. Hodges while she lived with Mr. Waltier?

A. That I do not know.

Q. Did Mr. Hodges speak to Mr. Waltier on the subject of visiting his wife?

A. No, Sir, so far as I know.

Q. Did you know no dissatisfaction in the family about it at all?

A. None, Sir.

Lord *Kenyon*. Who do you call next?

Mr. *Pigot*. Mrs. Staunton, before you went abroad, do you recollect Mr. and Mrs. Hodges' lodging in Pall-Mall?

A. Yes, Sir, they did.

Q. Do you recollect any gentleman visiting your mistress very often? any gentleman in particular, no matter who it was?

A. Yes, Sir, I recollect the PRINCE OF WALES visiting her very frequently.

Q. Did Mr. Hodges know of those visits?

A. Yes, Sir.

Q. Do

Q. Do you recollect that gentleman calling there one night when Mr. Hodges had gone to bed?

A. Not that I know of.

Q. Where was he then?

A. He was up stairs in the drawing-room.

Q. Was Mrs. Hodges gone to bed?

A. No: she was with Mr. Hodges in the drawing-room.

Q. At what o'clock was this?

A. It was between one and two in the morning.

Q. Did that gentleman make any request to Mr. Hodges to do any thing for him?

A. Mr. Hodges went out on his coming in?

Q. You did not hear what they said?

A. No, Sir, I did not.

Q. How long was Mr. Hodges absent?

A. He was absent about an hour and a half.

Q. When Mr. Hodges went out, who did he leave in the drawing-room?

A. He left the gentleman and Mrs. Hodges together alone.

Q. How long did the gentleman stay with Mrs. Hodges?

A. About an hour and a half.

Q. Did he go away before Mr. Hodges returned?

A. Yes, Sir.

Q. I

Q. I do not know whether you know that the gentleman and Mrs. Hodges went into the bedroom together?

A. I do not know, Sir.

Lord Kenyon. Were there any appearance? I don't ask you what appearances, which led you to form any judgment that they were in bed together?

A. My Lord, I saw the bed tumbled.

Lord Kenyon. Well.

MARY STAUNTON cross examined by Mr. ERSKINE.

Q. Well, Mrs. Staunton, I think you say that when you were at Brussels, you lived at the hotel with Mr. and Mrs. Hodges, and that Mr. Bouverie was at the same hotel; and that they were likewise at the same hotel at Spa?

A. Yes, Sir.

Q. How many apartments had Mr. and Mrs. Hodges?

A. There was a drawing-room, in which there was no bed; and the bed-room.

Q. Were these large rooms?

A. Yes, Sir.

Q. You said that Mr. Hodges saw Mr. Bouverie in Mrs. Hodges' bed-room?

A. Yes, Sir.

Q. I

Q. I presume there were no familiarities between them?

A. There were then no familiarities of any sort between them.

Q. Mr. Hodges was there?

A. Yes, Sir.

Q. On his coming into the room, you said Mr. Hodges saw Mr. Bouverie kiss her hand?

A. Yes, Sir.

Q. You said you observed Mr. Bouverie taking some liberties: Did you see Mr. Bouverie take any liberties with Mrs. Hodges in Mr. Hodges' presence?

A. No, Sir.

Q. You heard Mr. Hodges say it is too bad, I cannot be blind?

A. Yes, Sir.

Q. How long was this before the separation?

A. I do not know, Sir.

Q. Was it not above two or three days before the separation?

A. I really do not know, Sir.

Q. Don't you know, that in consequence of Mr. Bouverie's attaching himself to this woman, that Mr. Hodges separated himself from her?

A. No, Sir, I do not.

Q. Don't you know, that the very deed of separation was executed at Brussels very soon after this transaction?

A. I

- A. I do not know any such thing.
- Q. You do not know Mr. Hodges left Bruffels soon afterwards?
- A. Not that I know of.
- Q. Have you any reason to suppose that Mr. Hodges cohabited with his wife, or saw her after that time?
- A. No, Sir, I have not.
- Q. How long was this after you heard him say it was too bad, and that he could not be blind?
- A. It was soon afterwards.
- Q. Was it not almost immediately afterwards?
- A. It was some time afterwards.
- Q. Do you mean to state, that Mr. Bouverie had criminal conversation with Mrs. Hodges, with the consent of her husband?
- A. I do not know that.
- Q. You do not mean then to state that this was the case?
- A. I will not swear it.
- Q. You say you observed indecencies which are not very easily justified; but you have no reason to believe there was any criminal conversation between Mr. Bouverie and Mrs. Hodges?
- A. I don't say that.
- Q. Do you mean to state, that Mr. Hodges knew that Mr. Bouverie had criminal conversation with his wife?
- A. Mr. Hodges must have seen it, Sir.
- Q. How

Q. How do you mean seen it ?

A. He must have seen Mr. Bouverie frequently going into Mrs. Hodges's bed-room.

The FOREMAN of the JURY.

Q. When Mr. Hodges uttered the words, " It is too bad," was it with concern ?

A. No, Sir ; he seemed to be perfectly satisfied.

Q. Did he seem at all uneasy ?

A. No, Sir ; he did not.

Mr. *Erskine*. Do you not know that in consequence of that uneasiness, he actually separated from her ; and that that separation was made at Brussels ?

A. I believe it was, Sir.

Q. Now, I ask you upon your oath, Madam, whether you do not recollect that Mr. Hodges reprehended his wife frequently ; and that a coolness took place between them, which ended in a separation ?

A. Upon my oath, while I lived with Mr. and Mrs. Hodges, I never heard him find fault with her.

Q. Who does Mrs. Hodges live with now ? she lives with Mr. Wyndham, does not she ?

A. She is at his house.

Q. Does not she sleep every night in his bed ?

A. I really do not know, Sir.

E

Q. Have

Q. Have you reason to believe that Mr. Wyndham has any criminal conversation with Mrs. Hodges?

A. That I do not know.

Q. Had you any reason to believe that Mr. Bouverie had criminal conversation with her? upon your oath, now I'll try your sincerity as a witness, had you, or had you not?

A. I have reason to suppose they had criminal conversation together, because Mr. Bouverie frequently went into her bed-room.

Q. How long have you lived under Mr. Wyndham's roof?

A. For the three weeks last past.

Q. Mrs. Hodges is big with child, is not she?

A. She is, Sir.

Q. You have no reason then to believe that Mrs. Hodges and Mr. Wyndham sleep together?

A. I never saw them in the same bed-room together.

Q. Is there any other female in Mr. Wyndham's house besides you?

A. There is a French servant.

Q. I ask you whether you have no reason to say that they live in criminal conversation together?

A. I do not know—I know nothing at all of their concerns.

Lord *Kenyon*. Mind, mind, consider where you are.

Mr.

Mr. *Erskine*. Upon your oath, Madam, have you more reason to believe that Mr. Bouverie had criminal conversation with this lady than that Mr. Wyndham had?

A. I do not know, Sir.

Q. I am very glad to hear you say so.—Did you tell Mr. Hodges at any time, that you had seen Mr. Bouverie with Mrs. Hodges in the bed-chamber?

A. No, Sir, I never did.

Q. Did you ever remark to him, that his wife's conduct was improper?

A. Never.

Q. How often did you see Mr. Bouverie in Mrs. Hodges' bed chamber, when Mr. Hodges was present?

A. Several times.

Q. How do you know that Mr. Hodges knew that he was there, when he was out?

A. He asked me if Mr. Bouverie had been there, and I said yes.

Q. About what time of the day was this?

A. It was about five or six o'clock in the afternoon.

Mrs. STAUNTON re-examined by Mr. PIGOT.

Q. In what year and month did Mr. Bouverie visit this lady abroad at the German Spa?

E 2

A. In

A. In August, 1784.

Q. Now, did Mr. and Mrs. Hodges separate before August, 1785?

—No answer.—

Q. Now, Madam, after that, I believe the acquaintance between Mr. Waltier and Mrs. Hodges took place at Bruffels?

A. Yes, Sir.

Q. Now, Madam, at this time you attended Mrs. Hodges' person, and were near her bedroom?

A. I was, Sir.

Q. But now, I believe, you are not in that situation?

A. No, Sir.

Q. Who goes in or out, you have no opportunity of knowing?

A. No, Sir, I have not.

Lord Kenyon. Well—

ROBERT FIDO examined by Mr. BEARCROFT.

Q. What are you, Fido?

A. I was footman to Mr. and Mrs. Hodges when they were first married.

Q. How long did you continue to live with them?

A. About three years and a half, or three years and three quarters.

Q. Where

Q. Where did you leave them?

A. At Brussels.

Q. Now, do you remember, any time in the year 1784, Mr. Hodges taking a lodging in Pall-Mall?

A. Yes, Sir.

Q. He and his wife then lived together?

A. They did.

Q. Now attend:—I am going to ask you respecting a transaction which took place between Mr. and Mrs. Hodges, and a gentleman who frequently visited there.—Do you remember a gentleman, soon after they came to these lodgings, frequently coming to visit her?

A. Yes, Sir.

Q. Was Mr. Hodges acquainted with that gentleman?

A. He was.

Q. At what hour did this gentleman make his visits to Mrs. Hodges?

A. He came at different hours—at nine o'clock at night, at eleven, and sometimes at one in the morning.

Q. Was Mr. Hodges aware of those visits?

A. He was perfectly aware of them.

Q. Did Mr. Hodges stay with this gentleman, when he was with his wife? or did he leave them together?

A. He sometimes left them together.

.Q Have

Q. Have you ever seen them in the bed-room together?

A. I have known them to be in the bed-room when Mr. Hodges was in the drawing-room.

Q. What was the latest time when you saw them in the bed-room?

A. About ten o'clock at night.

Lord *Kenyon*. Did I misunderstand you in saying, that the gentleman and lady were in the bed-room, when Mr. Hodges was in the drawing-room?

A. No, my Lord: It was so.

Mr. *Bearcroft*. In what dress was Mrs. Hodges?

A. She had on a kind of bed-gown—a kind of dressing-gown—and was partly dressed, and partly undressed.

Q. How long might the visits with this gentleman usually last?

A. Sometimes one hour and sometimes two.

Q. Did that gentleman ever sleep there?

A. Not that I recollect.

Q. Did he ever sup with Mr. and Mrs. Hodges?

A. He supped there two or three times.

Q. Was this gentleman left alone with Mrs. Hodges?

A. Yes, Sir.

Lord *Kenyon*. Mr. *Bearcroft*, you have proved abundantly enough half an hour ago—

Mr.

Mr. *Erskine*. It is impossible, my Lord, not—

Lord *Kenyon*. Mr. Erskine, no ingenuity—

Mr. *Erskine*. My Lord, I only want to ask one question — Do you (*to the witness*) mean to say that Mr. Hodges knew that Mrs. Hodges and the gentleman were in the bed-room?

A. I do say so.

Lord KENYON.

Gentlemen of the Jury!

To permit a plaintiff to prostitute his wife, to recover damages would be a disgrace to the administration of justice. I remember a case once, not quite so scandalous as this, where Theophilus Cibber carried a pillow to a gentleman for the express purpose of committing adultery with his wife.—His action was afterwards scouted with indignation.

Here the plaintiff's case is so scandalous, that he ought not to be heard in a court of justice. I cannot help saying, that it is most infamous for a man first to prostitute his wife, and then to come into a court of justice for damages.

The JURY immediately gave a verdict for the DEFENDANT.

Tried before Lord KENYON and a special Jury, at *Westminster-Hall*, on Thursday, the 24th of February, 1791.

The E N D.

A. I do say so.

and the gentleman went in his room.

to say that Mr. Hodges knew it as Mr. Hodges.

one question — do you (as we have) mean

Mr. T. W. & J. W. Lord, I only want to ask

Lord Amesbury, Mr. Fritland, no intention.

Mr. Fritland. It is impossible, my Lord, and

Lord Kelvin

The following is a statement by the undersigned, who was present at the trial of the above named defendant, and who saw him at the time he was arrested, and who saw him at the time he was committed to prison.

Here the plaintiff's case is so strong that it ought not to be heard in a court of justice. It is not help saying that it is still in law a question as to whether or not the wife and child are entitled to a court of justice for damages.

THE JURY IMMEDIATELY GAVE A VERDICT FOR THE DEFENDANT.

THE STATE OF NEW YORK
IN SENATE
January 10, 1901.

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